

ORIGINAL

19m
5/2/01

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

FILED
HARRISBURG
MAY 01 2001
MARY E. D'ANDREA, CLERK
Per *[Signature]* DEPUTY CLERK

JEFFERY P. MOSER,

Plaintiff,

v.

KENNETH KYLER, et al.,

Defendants.

:
:
:
:
:
:
:
:
:
:

Civil No. 1:00-CV-1846

JURY TRIAL DEMANDED

Judge William W. Caldwell

CORRECTIONS DEFENDANTS' MOTION TO DISMISS
PLAINTIFF'S COMPLAINT

Corrections Defendants, Kenneth Kyler, Diana Baney, Dennis Erhard, Patricia Yarger, Joseph Chesney, and Linda Nauroth, hereby move this Court to dismiss the complaint for failure to state a claim upon which relief may be granted under Federal Rule of Civil Procedure (12)(b)(6), for failure to exhaust administrative remedies under 42 U.S.C. §1997e(a), and for such other grounds as set forth in the supporting brief.

WHEREFORE, Corrections Defendants respectfully request that the complaint be dismissed with prejudice.

Respectfully submitted,

By:

[Signature]
Shawn P. Kenny
Assistant Counsel
Attorney I.D. No. 51797
PA Department of Corrections
Office of Chief Counsel
55 Utley Drive
Camp Hill, PA 17011
(717) 731-0444

Dated: 5/1/01


CERTIFICATE OF SERVICE

I hereby certify that I have on this date served a copy of the below-referenced document(s) upon the person and in the manner indicated below:

Service by first class mail addressed as follows:

Jeffery P. Moser, BE-4713
SCI-Huntingdon
1100 Pike Street
Huntingdon, PA 16654-1112

James D. Young, Esquire
P.O. Box 1245
Harrisburg, PA 17108-1245
Counsel for Defendants Bardel, Mohadjern, Shumaker and Pollack.


Corinne N. Driver
Clerk Typist II
PA Department of Corrections
Office of Chief Counsel
55 Utley Drive
Camp Hill, PA 17011
(717) 731-0444
Fax: (717) 975-2217

Dated: 5/1/01

Re: Corrections Defendants' Motion to Dismiss Plaintiff's Complaint
USDC-MD docket no. 1:00-CV-1846

11
copy

[REDACTED]

Law Clerk's Conv

FILED
HARRISBURG
MAY 01 1964

MAY 01 2001
D'ANB

MARY E. D'ANDREA, CLERK
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT *Per*
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JEFFERY P. MOSER,

Plaintiff,

v.

KENNETH KYLER, et al.,

Defendants.

Civil No. 1:00-CV-1846

JURY TRIAL DEMANDED

Judge William W. Caldwell

CORRECTIONS DEFENDANTS' MOTION TO DISMISS
PLAINTIFF'S COMPLAINT

Corrections Defendants, Kenneth Kyler, Diana Baney, Dennis Erhard, Patricia Yarger, Joseph Chesney, and Linda Nauroth, hereby move this Court to dismiss the complaint for failure to state a claim upon which relief may be granted under Federal Rule of Civil Procedure (12)(b)(6), for failure to exhaust administrative remedies under 42 U.S.C. §1997e(a), and for such other grounds as set forth in the supporting brief.

WHEREFORE, Corrections Defendants respectfully request that the complaint be dismissed with prejudice.

Respectfully submitted,

Respectfully submitted,

By:


Shawn P. Kenny

Assistant Counsel
Attorney I.D. No. 51797
PA Department of Corrections
Office of Chief Counsel
55 Utley Drive
Camp Hill, PA 17011
(717) 731-0444

Dated:


CERTIFICATE OF SERVICE

I hereby certify that I have on this date served a copy of the below-referenced document(s) upon the person and in the manner indicated below:

Service by first class mail addressed as follows:

Jeffery P. Moser, BE-4713
SCI-Huntingdon
1100 Pike Street
Huntingdon, PA 16654-1112

James D. Young, Esquire
P.O. Box 1245
Harrisburg, PA 17108-1245
Counsel for Defendants Bardel, Mohadjern, Shumaker and Pollack.


Corinne N. Driver
Clerk Typist II
PA Department of Corrections
Office of Chief Counsel
55 Utley Drive
Camp Hill, PA 17011
(717) 731-0444
Fax: (717) 975-2217

Dated: 5/1/01

Re: Corrections Defendants' Motion to Dismiss Plaintiff's Complaint
USDC-MD docket no. 1:00-CV-1846